

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

R&O CONSTRUCTION COMPANY,
Plaintiff,

v.

ROX PRO INTERNATIONAL GROUP,
LTD.; et al.,
Defendants.

2:09-cv-01749-LRH-LRL

ORDER

Before the court is plaintiff R&O Construction Company's ("R&O") motion for leave to file a sur-reply to defendant Arizona Stone & Architectural Products NV, LLC's ("Arizona") motion for summary judgment (Doc. #78¹). Doc. #111. Arizona filed an opposition to the motion. Doc. #112.

I. Facts and Background

This is a construction defect action. On September 3, 2009, R&O filed a complaint against defendants for various causes of action. Doc. #1. In response, Arizona filed a motion for summary judgment. Doc. #78. R&O filed an opposition to the motion for summary judgment. Doc. #93.

After R&O's opposition was filed, the magistrate judge excluded certain expert reports that

¹ Refers to the court's docket number.

1 were used to support Arizona's motion for summary judgment. Doc. #110. Thereafter, R&O filed
2 the present motion for leave to file a sur-reply to Arizona's motion in light of the magistrate judge's
3 order. Doc. #111.

4 **II. Discussion**

5 A court has the inherent authority to grant leave to a party to file a sur-reply when the
6 information in that sur-reply would be germane to the evaluation of a pending matter. *See Cedars-*
7 *Sinai Medical Center v. Shalala*, 177 F.3d 1126, 1129 (9th Cir. 1999). Here, the court has reviewed
8 the documents and pleadings on file in this matter and finds that a sur-reply, in light of the recent
9 evidentiary exclusions outlined in the magistrate judge's order (Doc. #110), would be germane to
10 the court's evaluation of Arizona's pending motion for summary judgment. Therefore, the court
11 shall grant R&O's motion.

12
13 IT IS THEREFORE ORDERED that plaintiff's motion for leave to file a sur-reply
14 (Doc. #111) is GRANTED.

15 IT IS FURTHER ORDERED that plaintiff shall file a brief sur-reply to defendant's motion
16 for summary judgment (Doc. #78) of not more than ten (10) pages, within fifteen (15) days of entry
17 of this order.

18 IT IS SO ORDERED.

19 DATED this 15th day of November, 2011.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE